IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 381 (SS) OF 2006

Ashok Kumar, S/o Banwaari Lal Sharma,
Presently working as B.C.g. Technician,
T.B. Clinic- Pathiyaldhar, Gopeshwar,
District- Chamoli. .....Petitioner.

Verses

1. Union of India, through Secretary Ministry of Personnel Public Grievances & Pensions, 3rd Floor Lok Nayak Bhawan, Khan Market, New Delhi.
2. The Advisory Committee, State Reorganization, Govt. of India, Deptt., of Personnel & Training, Ministry of Personnal, Public Grievances & Pensions, 3rd Floor Lok Nayak Bhawan, Khan Market, New Delhi.
3. State Advisory Committee Department of U.P., Reorganization Coordination, 716, 7th Floor Vikas Bhawan Hazrat Ganj, Lucknow, U.P.
4. The State of Uttaranchal, through Secretary, Medical Health and family Welfare, Dehradun.

.....Respondents.

Mr. P.C. Bisht, Advocate for the petitioner.
Learned Standing Counsel for the respondents.

Dated: 21.03.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the name of the petitioner from the list dated 24.03.2005 attached with letter dated 12.04.2005 (Annexure No. 3) which has wrongly shown the petitioner as domicile of the State of Uttaranchal. Further prayer has been made for a wit of mandamus commanding

the respondents no. 4 and 5 to relieve the petitioner from the present place of posting at District T.B. Pathiyaldhar, Gopeshwar, Chamoli, and commanding the respondents no. 6 and 7 to provide him posting in any Govt. Hospital in the same grade within the State of Uttar- Pradesh.

2. Briefly stated, the petitioner was appointed as B.C.G. Technician vide order dated 21.02.1994 passed by the Officer of Director General national Programmer for Medical Improvement & Family Welfare Uttar Pradesh and since the date of appointment, he is working at the present place of posting.

3. The petitioner is a permanent resident of village and post Dabha, Tehsil Kol, District Aligarh, Uttar Pradesh and his parents and other relatives of the petitioner are also resident of District Aligarh and the petitioner has his ancestral property situated in above said village Dabha, District Aligarh, U.P.

4. At the time of appointment in the year, 1994, the State of Uttaranchal was not in existence and the petitioner was not a member of Hill sub Cadre.

5. When the options were invited, the petitioner opted for the State of U.P., where he was initially appointed, but the grievance of the petitioner that despite exercising of option to work in the State of U.P., he is not being relieved.

6. On 24.03.2005 a list attached with a letter dated 12.04.205 was issued by the Director General Medical and Health Services, Uttar Pradesh, Lucknow to all the Chief Medicla Officers, State of Uttar Pradesh showing he name of the petitioner at Serial No. 41. This list was of those B.C.G. Technicians, who appears to have been allocated for the State of Uttaranchal and the name of the petitioner was wrongly shown as domicile of the State of Uttaranchal.

7. Being aggrieved by the above said letter dated 12.04.2005, the petitioner represented through his representation dated 14.02.2006 before the Chairman, State Reorganization Committee Govt. Of U.P., Lucknow, stating his grievances.

8. The petitioner along with others also made a representation to the Principal Secretary, Medical and Health services, Govt. of Uttaranchal, Dehradun.

9. The short submission of the petitioner is that he has made a representation dasted 14.02.2006 (Annexure No. 4) which has not yet been disposed of.

10. Therefore, in view of the above, the respondents are directed to dispose of the representation of the petitioner within a period of six weeks from the date of filing of the certified copy of the order.

11. Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

21.03.2006
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